POOR DOCUMENT

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THE SEMI-WEEKLY TELEGRAPH

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JOHN RUSSELL, JR., Mgr.
E. W. McCREADY, Editor.

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Semi-Weekly Telegraph

ST. JOHN, N. B., JANUARY 22, 1908

THE DAILY TELEGRAPH
THE SEMI-WEEKLY TELEGRAPH
THE EVENING TIMES

New Brunswick's Independent newspapers.

These newspapers advocate:

British connection

Honesty in public life

Measures for the material progress and moral advancement of our great Dominion

No graft!

No deals!

"The Thistle, Shamrock, Rose entwine, The Maple Leaf forever."

## THE LOCAL SITUATION

The local government is still waiting for something to turn up, although the results of that policy recently have been anything but reassuring to its followers. Among the things that have turned up within the last few months, for example, have been these: the government's repudiation of the highway legislation in the face of public hostility too widespread to be ignored longer; the retirement of Hon. James Barnes from the cabinet for reasons which seemed imperative; and the public refusal of Hon. Mr. Robinson to accept Mr. J. K. Flemming's challenge to discuss the provincial finances with him on a St. John platform. These, which are the more conspicuous events in the government's recent history, are alike in this, that they all reveal weakness, hesitancy, disorganization and distrust of the electorate to whom an appeal must soon be made. The right-about-face on the road law, considered together with the condition of the neglected roads and the knowledge that these roads will be in even worse shape during the coming spring months, shows how hollow is the pretence of the government's newspapers that it enjoys, or is entitled to, the confidence of the people of New Brunswick. The voters are still smiling, many of them a little contemptuously, over the Premier's fierce onslaught upon Mr. Flemming, and his headlong rush to shelter when Mr. Flemming invited him to a joint debate. The country knows enough about the government's financial operations to understand why Hon. Mr. Robinson prefers to discuss them when Mr. Flemming is not present. However, if there is to be a session, Mr. Flemming's invitation can scarcely be declined in the House.

Before the glad New Year arrived the local government party in St. John elected delegates to a nominating convention. In former years there was no difficulty about the ticket, and the delegates got to work without delay. This time the date was set, but a postponement was deemed expedient. Dr. Pugsley had not been able to arrange matters; the available candidates were not satisfactory; a strong man to lead the ticket was not in sight. These and other reasons were given for the delay at the time. In other counties the work of securing government tickets has not prospered, or, if it has, the public has not been informed, and in these matters publicity is highly important inasmuch as it is an old custom to let the electors know who are to be voted for—or against.

From the onlooker's standpoint it looks as if the government were waiting for Dr. Pugsley to frame up a set of attractive promises. If he can make these promises sufficiently alluring and convincing to divert public attention from the weakness of the Robinson administration, he will rank as a wizard.

## ARE YOU AN IMPERIALIST?

There are Imperialisms which many Canadians are inclined to view with indifference, suspicion or aversion. If, however, we examine the definition of Imperialism which Principal Peterson of McGill gave the Winnipeg Canadian Club the other day, it will be found that most Canadians are good Imperialists. The British Empire, he said, is the best guarantee of order, justice and progress. Each of these represented long centuries of struggle and aspiration. The British Empire is the largest and most notable in the world today, or that ever existed at any time. It represents three centuries of patient, progressive effort, and now covers about one-quarter of the globe, and embraces more than one-quarter of its inhabitants. It has reconciled empire with liberty, and the problem today is how to keep the self-governing Colonies together. Anyone who is interested in effecting this is an Imperialist.

Not less interesting is his quotation as to empire: "The meaning of empire to a free people is not a dishonoring and overshadowing growth, but a proud and willing subordination. Its aim is the security of a great inheritance; and while it will augment the resources and power of every member of the union, it will also touch each separate state and private citizen with a firmer courage and a finer dignity. The great problem of imperial unity is the reconciliation of the spirit of nationality with the idea of an united empire." Those words, he said, seemed to suggest something of the line along which Canadians ought to look for a solution.

He asked them to put away the idea of an Empire composed of a centre and certain tributary states, and to think of a group of states in free and equal alliance. Even Great Britain, he pointed out, is coming to realize that it is not a question of sovereignty but of mutual dependence and co-operation. The Empire, he said, "was not a cluster of subordinate units grouped in differential poles around an imperial centre, for it was accepted that no scheme would be tolerated that failed to take account of national status. Self-government was the guarantee of equality in this regard, but there was another truth that had been driven home by Mr. Kipling, who had done more for imperialism than anyone else, and that was the man at the circumference counted for as much as the man at the centre. As Lord Albermarle had said, imperialism was merely patriotism in a wider sense. There was surely, from this side, an answering note to this definition of all who should desire that Canada should be part and parcel of the imperial heritage. No matter what might be the geographical barriers that separated the component parts, they had, each and all of them, to cultivate the feeling of unity in respect of language, laws and institutions and the honors and privileges of their imperial status and all the inestimable advantages of a common freedom. He often heard the remark that nothing should be tolerated that interfered with the development of Canadian nationality; but every man in a partnership had to accept certain limitations and inter-dependence was the spirit of all partnerships. He disagreed with those who said that Canada had done nothing in respect of naval protection. It had relieved the British navy of a number of duties that it formerly discharged. On the other hand, he was opposed to those who belittled the services of the British navy. It was under its protection that the Empire had grown up and was still maintained. If Great Britain had not had the command of the seas, her Empire would have a meagre show. While not wishing to conjure up imaginary dangers, he thought that it must be patent that it was only the great power of the fleet that prevented Canada's western seaboard from being occupied by an Asiatic people. He did not agree with those who spelt imperialism with a small 'i'; neither was he at one with the spirit of the phrase 'practical independence under the Crown.'"

## WHAT THEY ARE GETTING

Twenty-nine per cent of the immigrants received during 1907 by the United States admitted that they could neither read nor write. The number of admitted illiterates over fourteen years of age was 343,402. A strict examination undoubtedly would have revealed a much great number. As to the origin of the immigrants of whom 1,285,349 arrived last year and in 1906, the official statement includes the following:

| | 1906. | 1907. |
|---|---|---|
| Immigration of Teutonic and Celtic races, chiefly from Northern and Western Europe | 330,358 | 347,764 |
| Per cent of total immigration | 30. | 27.1 |
| Immigration of "Slavic and Iberic races," chiefly from Southern and Eastern Europe | 692,443 | 828,022 |
| Per cent of total immigration | 62.9 | 64.1 |

Tabulating the newcomers for 1907 by racial divisions the officials arrived at this result:

| | Number. | Per cent of total Immigration |
|---|---|---|
| Slavic | 511,175 | 39.8 |
| Teutonic | 224,814 | 17.4 |
| Iberic | 313,803 | 24.4 |
| Celtic | 122,932 | 9.5 |
| Mongolic | 31,633 | 2.4 |
| All others | 80,992 | 6.3 |

While, on the average, the immigrants to the United States in 1907 brought about $20 apiece, it appears that 303,924, or 23.7 per cent of all immigrants, brought no money at all. Even if the children under fourteen years be deducted from this number, there were still 165,580 persons who were destitute when they landed. More than three-quarters of these foreigners remained near the Atlantic coast, seeking the populous states and the big cities instead of going to the western country. New York, Massachusetts, and Pennsylvania received the great mass of them, which means that they were added to the already troublesome foreign "colonies" of those states. Recently when the people of the Atlantic states were alarmed by a wave of crime the police commissioner of New York, in discussing the size of the problem before the police force, said: "There is another very important thing about this crime business. I don't want to say anything that would be indiscreet, but unquestionably the hordes of immigrants that are coming here have a good deal to do with crimes against women and children. You will notice that these particular crimes are done by fellows who can't talk the English language. It is this wave of immigration that brings to New York the hundreds of thousands of criminals who don't know what liberty means, and don't care; don't know our customs, cannot speak the English language, and are in general the scum of Europe. The solution of the problem is to prohibit immigration. But when we come to executing immigration laws it is found to be practically impossible to deport." And Dr. Thomas Darlington, president of the Board of Health of New York city, said of the same matter: "I have heard the assertion that immigration is necessary to carry on our public works, to build railroads, dig canals, and the like. But the present immigrants now coming over do not come for that purpose, and will not do that sort of work. No; they prefer to become push-cart peddlers and live in poverty in our cities, breeding disease and crime. They occupy our streets, the streets for which our taxpayers have paid heavily. They interfere with traffic and break the laws of sanitation which we have decided were necessary for the preservation of public health."

Canadian members of Parliament who are now discussing the question of immigration, will do well to analyze the results following the tremendous influx of Europeans and Asiatics to the United States. The trouble in the Republic today is probably slight compared with what it will become in twenty years. The duty of Canadians is to insist upon a policy which will save this country from invasion by undesirable immigrants. We should accept material for good citizens. The unfit should be rigorously excluded.

## ODIOUS COMPARISONS

Premier Robinson must realize anew the force of the saying that comparisons are odious. His newspaper defenders have brought this matter of comparisons to his attention and to that of the public in a somewhat unfortunate manner. Two instances will serve for illustration. In laboring to explain why the Premier fled from Mr. Flemming when a joint debate was proposed, one of Hon. Mr. Robinson's advocates recalls the recent trouble in the chamberlain's office here. We submit that to compare the case of the Premier and Provincial Secretary to that of the ex-chamberlain is scarcely a friendly service, however well intended. Still more doubtful is another comparison which one of the government journals makes. It reminds us that recently a bank official in another province was charged with having used the funds of the institution in his private speculations—a grave criminal offence if the charge were true. We are told that neither the chamberlain nor the accused banker was invited to a joint debate, but that in both cases the preliminary step was an examination of the books by qualified experts.

It remained for a journal earnestly friendly to the government to introduce these unhappy comparisons. No critic of the government has sought to conduct the argument from the viewpoint of the criminal law, and we doubt if the cases cited will create any very noticeable joy in government circles where the chill caused by Hon. Mr. Robinson's retreat is still perceptible. It is true that when the doings of a bank officer or city treasurer of the sort referred to are under investigation, it is not customary to invite the accused to a joint debate. But that line of argument will bring us to the somewhat alarming conclusion that in the eyes of their newspaper advocates the gentlemen occupying the treasury benches of this province should be subjected to the drastic processes employed in the cases cited. The situation thus created is somewhat unfortunate.

Hon. Mr. Robinson, it still appears to be admitted, did not accept Mr. Flemming's challenge—a challenge elicited by the Premier's statements about the representative for Carleton. If Mr. Robinson's statements could be proved to the satisfaction of intelligent men, it was his duty, having made them, to confront Mr. Flemming public and let the public judge. The debate would be reported fairly and fully. To say that it would convince no one is to say that the electors are not intelligent and fair-minded. The electors will not like that. And the government and its supporters will scarcely believe the government's bad case has been bettered by the intimation of the government press that their leaders at this moment should receive the treatment accorded in the premises the suspected bank official and the ex-chamberlain. It is proposed as part of the opposition platform that as soon as there is a change of government expert accountants will be employed in order that the people may know exactly how matters stand. Meantime it is for the Premier to defend himself with the usual weapons. Unfortunately he has no faith in them, or in his skill in using them. And, very obviously, he fears the spectators. Premier Robinson's newspapers are enlarging upon his assertion that he would be willing to submit the government's financial statement to an expert or experts. The only virtue of this statement is the hope of escape it promises from Mr. Flemming and the joint debate. It is the cry of the man in a corner who makes a counter proposal in the hope of getting out. The issue being clear, a simple statement by the Premier asking Mr. Flemming to set the day and date is the only course that would satisfy the public. Only fear of disaster prevents the Premier from accepting the challenge. His attitude gives his newspapers the laboring oar. Hard as their labor is, however, they should avoid odious comparisons.

## PREPARATIONS

Japan proposes to spend $94,000,000 on its army and navy during the coming year. The United States proposes an expenditure of $186,000,000 for the same period. Japan is just beginning to recover from an exhausting war. The United States has no enemy in sight, unless it be Japan, and in both Tokio and Washington they talk peace with almost suspicious volubility and show of earnestness. The Americans are preparing to fortify San Francisco somewhat after the fashion of Port Arthur, so that it may not only be prepared to resist naval attack but may be prepared to repel a force attacking it from the rear. The fleet is on its way to the Pacific, and this will mean an increased outlay for docks and shipyards. Other coast cities will be fortified. There is much likelihood that Congress will authorize a fleet of Dreadnoughts and the increase of the army. Many American newspapers, while they ridicule alarmist reports from Paris and Rome, contain news and editorial articles calculated to create the impression that adequate preparation for war with Japan is necessary, and that unless such preparation is made the Americans will be humiliated when Japan is ready, and will lose their chance of "controlling the Pacific." The New York Post, which credits the Japanese with considerable wisdom and which combats the war party at home, directs attention to the war budgets of Japan and the United States, and says ironically: "Supine as we Americans doubtless are, criminally neglectful of our duty, indifferent to the yellow peril at our very doors, we are nevertheless spending nearly two dollars on martial preparations where the supremely alert and aggressive Yankees of the Orient spend one."

Meantime the New York Herald is doing much to increase anti-Japanese feeling and to push forward the plan for a greater outlay on both army and navy. The Herald pictures Japan as aggressive and faithless in the matter of international agreements, and intimates that there is trouble brewing which may end the Anglo-Japanese alliance, a compact which is unpopular in American anti-Japanese circles. The Herald says in part:

"The military party now in the ascendancy at Tokio is riding with whip and spur over the wishes of the commercial classes at home and the susceptibilities of other nations abroad.

"A special cable despatch to the Herald from Shanghai this morning reports that the English newspapers there comment very severely upon the new Japanese budget with its continued enormous military expenditures and increased taxation. They agree that the outlook is 'ruinous, warlike, aggressive.'

"The budget presented a year ago showed an enormous increase, which was explained as effected by unadjusted expenditures growing out of the war. It, however, exhibited a trifling surplus of income over expenditure. The budget for the coming year, in a time of perfectly restored peace, purposes continued gigantic expenditures for the military establishments and territorial expansion and exhibits a deficit which it is proposed to make up by increased taxation upon commodities, including such necessaries as sugar and illuminating oil.

"Protests from bankers and commercial organizations in the principal cities are apparently ignored by the party in control. A government that ear marks more than a third of its total revenue to maintaining its military and naval establishments, and devotes less than one dollar per capita to education is pursuing a peculiar policy. Meanwhile the monopolistic methods that already have irritated the Mikado's British allies are creating serious friction with China and with Russia. The railroad which a British syndicate proposed to build in Manchuria under franchises granted by China is opposed by the Tokio authorities, who have now gone so far as to declare that it shall not be built because it parallels at a distance a portion of the Southern Manchuria line, which is under Japanese control.

"Having absorbed Corea and, acting in the name of that erstwhile kingdom, Japan claims and has occupied the Chen-Tao district in Manchuria. As this territory is within a comparatively few miles of Russia's remaining Pacific stronghold, Vladivostok, it is not surprising to learn that the Russian authorities are as much excited as the Pekin government over the high handed manner in which the Japanese have taken possession of the district and domiciled its troops therein.

"The agreements that Japan made a few months ago with Russia and again with France professing universal peace and good will and solemnly promising to respect the integrity of Chinese territory appear to be forgotten, and the arrogant and aggressive policies dictated by the military party in control of the Tokio government threaten disorders at home and possible serious frictions abroad."

Of the cruise of the American fleet, the American war budget, and other open preparations to increase the ready fighting power of the country for no visible reason, the Herald says nothing.

## NOTE AND COMMENT

This does not seem to be a good year for government conventions. The one billed for Christmas week in this city still hangs fire.

* * *

The winter is stealing away, but the local government ticket in this constituency is not in the field. Another visit from Dr. Pugsley is apparently in order.

* * *

The news about the Sovereign Bank will give the Maritime Provinces an unpleasant sensation. A considerable amount of the stock is held in this city and province. Whatever the Sovereign Bank needed, apparently it was not Morganization.

* * *

Rear-Admiral McCalla, U. S. N., says the American navy needs reorganizing and that the country requires the skeleton of a great army to repel invaders in case the navy fails to keep the sea. Admiral McCalla is now in California. These gentlemen should not go so near Japan. Once they gaze over the Pacific they get uneasy, and show it.

* * *

Friday night's despatches from British Columbia announce that the Legislature of that province will immediately pass the Natal Act, a measure excluding Asiatics. This will be awkward for the Dominion government in view of the existing treaty with Japan. The ensuing discussion will bring out the exact value of the promises Hon. Mr. Lemieux brought home from Tokio.

* * *

The assessors discovered in St. John last year only seventy-two citizens with incomes of $2,500 or more. The largest income they found—that of Dr. Pugsley—is $9,000. A glance at the list by gentlemen who are discussing assessment reform will convince them that the present system is most uneven. The men who are willing to pass a new assessment act here apparently insist that it must not increase the burden which anyone now carries. The income list prepared by the assessors is proof that a great many men of moderate income are now compelled to pay taxes which other citizens are escaping. If the assessment reformers propose any near approach to the square deal in taxation their proposals will be defeated. The men and the interests who and which are now escaping more lightly than they would under an equitable system are determined that there shall be no change. If they cannot smother the bill in the Council they will jump on it at Fredericton.

* * *

A correspondent asks for some information regarding this queer winter as compared with some that went before it. The figures he needs are not at hand. The old winters do not much matter, and unfortunately we are not through with this one yet. It is possible that a whole lot of winter may be crowded into part of January and all of February and March, not to dip further into the future. But the lengthening days make the prospect brighter for those who would like warm weather. People who talk about these things are saying we need a lot of snow. No doubt we shall get it.

## TWO INDICTMENTS FOR MONTGOMERY

### He is Accused of Overdrawing His Account While Vice-President of Hamilton Bank

### PLACED UNDER $5,000 BAIL

**Instances Are Cited in Which He is Said to Have Drawn Checks Far in Excess of His Balance.**

New York, Jan. 16—Two indictments against William R. Montgomery, charging him with overdrawing his account in the Hamilton Bank while he was vice-president and a director of the institution, were handed to Judge Dowling in the criminal branch of the supreme court yesterday. Mr. Montgomery, who pleaded not guilty through his lawyer, Howard S. Gans, was placed under $5,000 bail, which was furnished.

One charge is that Mr. Montgomery on Aug. 29 last, drew a check for $12,950 on his account, which he not only had no funds in the bank, but was indebted to it. This check was payable to B. L. Strasburger, of 56 Maiden lane, and was the price of thirty-seven shares of stock of the Hamilton Bank, which Mr. Montgomery had purchased for William C. Damron, president of the Home Bank of Brooklyn. On Aug. 30, when the check, indorsed by Mr. Strasburger, was presented to the bank, Mr. Montgomery's account was overdrawn $12,869.77, as he had only $80.23 to his credit on deposit.

The second indictment recites that Mr. Montgomery, on Sept. 6 last, when he had $5,918.22 to his account, drew a check for $21,000 to the order of Dr. L. C. Warner, of 141 Broadway, as the price of sixty shares of stock of the Hamilton Bank, also purchased for Mr. Damron. When the check was presented to the bank Mr. Montgomery had on deposit only $154.72, making his overdrawal $20,845.28.

Mr. Montgomery was given until a week from next Monday to make any motion he desires. On his trial he will be defended by James W. Osborne. His indictment does not end the investigation of the affairs of the Hamilton Bank. On Monday the special grand jury will resume the inquiry into the affairs of the Provident Savings Life Assurance Society.

### Strangely Unpolite.

An Ohio young woman read at her graduation from high school an essay on the subject of "Hawthorne." An exchange thus relates an incident in connection therewith:

In her essay the young woman said: "At the age of thirty-nine Hawthorne married and took his wife to the old manse."

The day after the commencement one of the village maidens called on Miss E., and in talking the affair over, remarked: "Wasn't it mean that Maud should say such a thing in her essay?"

"To what do you refer?"

"Why, she said at the age of thirty-nine Hawthorne married and took his wife to the old man's. Why didn't she say to his father-in-law's?"—Youth's Companion.

### White Head L. O. L.

West Kings County Lodge, L. O. L., at White Head, Kings county (N. B.), has elected: Warren Williams, C. M.; Clarence Fleming, D. C. M.; James R. White, chaplain; Wm. McGraw, R. S.; J. A. White, F. S.; Reynolds White, treasurer; D. B. Miller, D. of C.; D. Burgess, lecturer; Wm. Sleep, 1st D. L.; Richard Seely, 2nd D. L.

### W. G. Pugsley Admitted to Montreal Bar.

(Montreal Star.)

Among the new lawyers admitted to the Montreal Bar are Messrs. W. G. Pugsley, of St. John (N. B.), and H. A. Lovitt, of Halifax (N. S.) Twenty-four applicants were admitted to the study of law.

The world would be a poor place without enthusiasm, unselfish and daring. Your lukewarm man never has done and never will do anything.

MARK TRADE SCALCIUM CARBIDE

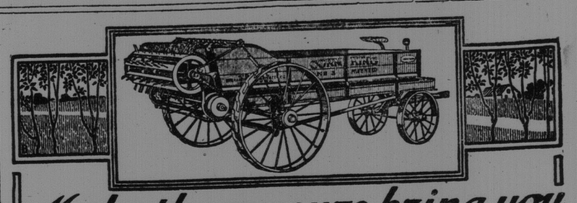
S means Shawinigan Carbide. S means Carbide absolutely free of Phosphorus. S means Carbide that generates Acetylene gas which burns with a brilliant white light.

There is a big difference in Calcium Carbide.

If you want Carbide that gives more light and better light, get Carbide with the red S

Write for name of local dealer who handles it.

The Shawinigan Carbide Co. Limited.
Montreal. 27



Make the manure bring you $4 a ton

Thousands of Successful Farmers Are Doing It

There is no charm or secret about it. You simply spread it with a machine, and thus make it go twice as far, get twice as much good from it on the first crop, double your land more permanently good, and save half the time and labor in handling it.

Manure is generally estimated to be worth $2.00 a ton handled the old way. There is no doubt that it is worth twice as much to the farmer who spreads it with a machine.

Two of the most practical and valuable machines manufactured for farm use today are the Corn King and Cloverleaf manure spreaders. They are each made in a number of sizes.

These machines differ somewhat in construction and operation, but both are right working and of great durability.

They are proven machines—they embody the best mechanical ideas, the materials used in construction are the best for the purpose, they are made as simple as possible, and they handle manure in all conditions to the perfect satisfaction of users. Proof of all this is to be found in the record each machine has made in the field.

Is it not to your interest to own and use one of these spreaders on your farm?

Figure out for yourself and you must agree that it will be a paying investment, even if you do not have over twenty-five loads of manure to spread in a year.

You can't buy but be pleased with the work, the easy handling, the light draft and the substantial making which saves you the annoyance of breakage and repairs.

Call and see these spreaders with the local International agent. He will gladly point out to you the superior features of these machines, as well as supply you with catalogue, colored hanger or other information.

The nearest branch house will supply you with any further information desired.

CANADIAN BRANCHES: Calgary, London, Montreal, Ottawa, Regina, St. John, Hamilton, Winnipeg

INTERNATIONAL HARVESTER COMPANY OF AMERICA
(Incorporated)
Chicago, U. S. A.

## KINGS COUNTY CIRCUIT COURT

Hampton, N. B., Jan. 17.—(Special)—The morning of the fourth day of the McLeod-White Lumber suit was occupied with the evidence of witnesses for the defence.

John A. Johnson, sawyer of the Hoar mill at Penobsquis, where the logs were sawed, testified that the McLeod logs turned out about a thousand feet to fifty logs. They were small, crooked, of various lengths, and many rotten ones among them. A good many were under four inches, some down to three. Everything, including refuse, was surveyed. He never in an experience of over thirty years, as a sawyer, saw a poorer lot of logs.

To Mr. Powell he admitted the price paid was poor. Ordinary logs at that time and on the line of railway were worth ten or twelve dollars, while McLeod's price was only four and a quarter. He denied ever telling John McLeod that if he accounted to Godard for forty logs to the thousand with no account of refuse, Godard would have no cause for complaint. He swore he did say it would take sixty logs to the thousand.

Scott Bryant, Fred T. Gross and Otty McFee, surveyors, swore to particulars of the tally of the McLeod lumber, the totals of which given were: Bryant, 259,780 feet; Gross, 154,877 feet, McFee, 204,023 feet.

Hiram Godard was re-called to prove that the tally sheets and boards were not in the camp and destroyed as of no value, the surveyors having made up their accounts and handed their survey bills to Mr. Johnson himself.

Ezra P. Hoar, millman, testified as to the quality and size of the McLeod logs, which were small, crooked and more or less rotten, and as estimated by him would yield two thousand feet for every hundred logs.

This afternoon the cross-examination of Ezra P. Hoar, millman, was concluded. He knew nothing about what logs belonged to the McLeod lot, and what to others. It was his experience that a mill survey which included everything cut which would hang together in handling would overrun that of a log survey.

James A. Gray swore that he cut on the McLeod place for five days, under instructions from John McLeod, down to four inches, and anything crooked cut off to ten or twelve feet in length. He cut ninety-six logs the first afternoon. On cross-examination it was shown that witness had been dismissed by Mr. McLeod.

King McFarland, a lumber operator on lands on each side of the McLeod place, testified that his logs ran about forty-five to the thousand, with fifteen to twenty per cent. refuse. He thought the McLeod logs were no better than his. His logs averaged sixteen and a half feet long, and he cleared everything down to three and four inches.

Richard McQuinn, who has lumbered for fifteen to twenty years, was on McLeod's teams a number of times. He thought the logs would run about fifty to the thousand.

Albert Hall, with twenty years' experience, estimated the run of McLeod's logs to be fifty to the thousand. They were from four to seven inches in diameter and twelve to fourteen feet long.

Walter McMonagle, a farmer, and Andrew McClary, a lumberman and stream driver, gave evidence as to logs lodging on the banks of the stream.

J. F. Mace, a lumber surveyor, testified to finding stranded logs on the meadows. They numbered more than 100. He was scaling with Mr. Godard, who employed him to survey a lot of 1,117 logs, whose contents was 23,425 feet, twenty-nine being condemned. On cross-examination he said the logs were twelve- fourteen- sixteen and eighteen feet long, and seven per cent. were poor.

Alston Godard was on the stand when court adjourned.

Hampton, N. B., Jan. 18—(Special)—The McLeod-White suit in the circuit court was continued this morning, and the evidence for the defence was all put in by 12 o'clock. Alston Godard, son of Hiram Godard, testified to having hauled the logs that went down stream and they were sawed in the mill. He hauled 1,039 by count, and Bentnell hauled about 45 or 50. He did not know whether Mr. McLeod had been notified of Mace's survey. Frank Freeze deposed that there were 407 logs of the McLeod lot, which went out of the boom, and they were above the average in size and quality.

Lewis French surveyed in September, 1907, 407 logs as they were sawed. His total tally was 8,691 feet. He did not know what Godard's object was in having these logs surveyed, neither of the McLeods was notified that the survey was to be made.

Lewis J. Murray surveyed 261,202 feet of lumber, consisting of the Morton and other logs, the average of which ran from 17 to 23 to the thousand feet. Seymour Brooks testified to rolling 150 logs from the brow to the stream in an hour and a half on the day of the freshet.

George H. White, the defendant, produced a paper laid on his desk by the plaintiff in which McLeod claimed payment for eight hundred thousand feet of logs at $4.25 but he did not accept it. He also produced survey bills of lumber shipped to St. John which were objected to and withdrawn by his counsel. On cross-examination he said he supposed the first paper was the whole claim of Mr. McLeod against Godard for which he was security. Mr. McLeod said he was willing to take that. He did not hear him say Godard thought the count too high, but knew Godard did object. Witness said he finally refused to settle until he could be satisfied that there was a balance due, McLeod should have settled with Godard and that was the ground he had taken all through. He was willing to pay whatever Godard and McLeod agreed upon. He demanded a survey, but knew that a survey at that time was impossible.

This closed the case for the defence and Mr. Powell called Winslow McLeod, John W. McLeod, Mrs. Eliza McLeod, and Charles Osburn in rebuttal, the latter with regard to logs which had gone adrift and the former as to contradictions of their direct evidence by Godard, Johnson and others. Court adjourned till 2. p m.

This afternoon the Hon. A. S. White, K. C., counsel for George H. White, the defendant, addressed the jury. His first point was to compliment the plaintiff on having secured the services of so eminent and eloquent a barrister as Mr. Powell, which, however, he regarded as an evidence of having a weak case. He said he and his client were in court through no fault of theirs. The defendant had entered into a contract to pay the plaintiff for logs delivered to Mr. Godard, upon the understanding that the actual number of superficial feet delivered would be charged against them at a certain rate per thousand. These figures could only be obtained by an actual survey and the burden was on the plaintiff to prove his figures. It was not disputed that McLeod had been paid $2,300, which with lumber supplied to the amount of $61.55, made $2,361.55. The plaintiff claimed that he had delivered to Godard 29,600 logs. To obtain these figures he had to rely upon the verbal reports of teamsters from day to day, a method which he claimed to be exceedingly unreliable. Then the method of calculating the superficial contents was equally unsatisfactory. It was the obtaining of results from insufficient data. Instead of having the logs surveyed they were simply estimated at so many to the thousand feet and much of the cutting was small and poor. Godard expected a survey to be made and the defendant ought not to be made to suffer by plaintiff's neglect. Some of the logs had gone out with a broken boom, but all or nearly all had been recovered and these had been surveyed and cut up with a result that formed a basis of estimating the contents of the whole lot. Eleven hundred and seventeen logs—the best of a run down stream of the best logs in the pond—had yielded 23,425 superficial feet. Applying this ratio to the whole 29,608 claimed by plaintiff would make 620,919 feet at $4.25 per thousand, making a sum of $2,628.90, less $2,361.55 already paid, would leave the plaintiff's unpaid claim $267.35. This was the amount actually due on an estimate based on a partial survey. They had actually paid for 55,500 feet and at the very worst estimate that could be made the plaintiff's claim could not be over $347.95. In support of his contentions he got the jurymen to take down several sets of figures for their consideration in making up their verdict.

H. A. Powell, K. C., followed. He said Mr. White spoke of the case as a difficult one. Yes, there were difficulties, but they were such as had been brought about by an effort to evade the payment of a just claim. It was the duty of the jury, however, to regard the affair as a simple business transaction. What was the bargain? What the character of the logs and the price asked for them? What was the contract? Godard after visiting the woods and inspecting the conditions accepted on the statement of McLeod the offer to take them at $4.25 a thousand.

As to a survey, it is clear that Godard from first to last was determined to depend on the mill survey, a method which in the case of small timber is notoriously sure to give lower results than with larger logs. If the logs were small, so was the price. As to the method of survey pursued by John McLeod, he claimed that ninety-nine hundredths of the lumber cut in New Brunswick is surveyed on the same plan, which is the conventional system adopted by the government of the country.

Mr. Powell went into calculations to show the soundness of the plaintiff's claim, using the figures sworn to by the men who had surveyed certain lots of the McLeod logs which, without taking into account the loss by freshet, and the natural reduction by reason of small stuff, still amounted to 642,265 feet. He closed by a strong appeal to the jury to do his client justice.

His honor was about to sum up when a juryman suggested that instead of running the risk of being locked up over Sunday it would be better to adjourn till Monday morning. In this other jurors concurred, and court was accordingly adjourned till Monday at 10 a. m.

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